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September 18, 2020

VIA ECF and Email

The Honorable Katherine Polk Failla, U.S.D.J.
United States District Court
Southern District of New York
40 Foley Square
New York, NY 10007
Failla_NYSDChambers@nysd.uscourts.gov

RE: *Boci v. The Mark Hotel Management LLC, et al.*
Case No. 1:20-cv-5681(KPF)(SN)

Dear Judge Failla,

We write, on behalf of Plaintiff, and with consent from counsel for Defendants, to respectfully request an adjournment of the Court-Ordered S.D.N.Y. Mediation until after an opt-in period following a mailing of Notice of Pendency of a Lawsuit pursuant to the Fair Labor Standards Act §216(b).

On or about August 18, 2020, Your Honor issued an Order referring the above-referenced matter to mediation through the Court-annexed program. *See* Dkt. # 27. The undersigned has indicated to Defendants that we represent additional putative collective members who may join this lawsuit. The parties have since met and conferred, and have agreed to request an adjournment of the S.D.N.Y. Mediation so that the parties may attempt to stipulate to conditional collective certification and a notice form for mailing. In the event that the parties are unable to stipulate to the collective and the form of notice, Plaintiff will move for conditional collective certification.

As there may be additional claimants interested in opting in to the above-referenced matter, it is our position that S.D.N.Y. Mediation is premature at this time. Therefore, we respectfully request an adjournment of the S.D.N.Y. Mediation and the Court's leave to allow the parties two (2) weeks, by October 2, 2020, to submit either a proposed stipulation for conditional certification of the collective and form of notice for the Court's approval, or a proposed briefing schedule for Plaintiff's Motion for Conditional Collective Certification.

Thank you for your time and consideration.

Respectfully Submitted,

/s/ Clara Lam
Clara Lam, Esq. (CL6399)

Application GRANTED. All proceedings in this matter are hereby ADJOURNED until **October 2, 2020**. The parties are ORDERED to file by that date either a proposed stipulation for conditional certification of the collective and form of notice, or a proposed briefing schedule for Plaintiff's Motion for Conditional Collective Certification.

Dated: September 18, 2020
New York, New York

SO ORDERED.

A handwritten signature in blue ink, reading "Katherine Polk Failla".

HON. KATHERINE POLK FAILLA
UNITED STATES DISTRICT JUDGE